

Remarks

Responsive to the Official Action mailed June 16, 2004 in which claims 2, 3, 9, 10, 16, 17, 19, and 20 were rejected, claims 2, 9, and 16 were objected to, and claims 1, 4, 8, 11-15, 18, and 21 were allowed, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-21 in view of the above amendments and the following remarks.

As a preliminary matter, the Examiner objected to Figs. 4 and 5 because they were photographs. As discussed above, Applicant has furnished replacement black ink formal drawings for Figs. 1-5. The Examiner also objected to the drawings because they do not show the latching assembly 60, finger 64, or opening 74 included in the specification. Figs. 4 and 5 have been amended to show these reference numerals.

The Examiner first objected to claims 2, 9, and 16 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended claims 1, 8, and 15 to recite a "latching assembly," rather than a "latching element." Claims 2, 9, and 16 also have been amended to disclose a "latch" as part of the latching assembly. Applicant believes that these amendments address the Examiner's objections and render the claims in condition for allowance.

Next, the Examiner has rejected claims 2, 3, 9, 10, 16, 17, 19, and 20 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 2, 9, and 16 were rejected for reciting a "latch," making the scope of the claims ambiguous because the claims from which they depend (1, 8, and 15) recite a "latching element." It therefore is unclear whether the latch and the latching element referred to the same or different elements. Applicant has amended claims 1, 2, 8, 9, 15, and 16, as discussed above. These amendments clarify that the latch is a part, or type, of latching element or assembly.

The Examiner then rejected claims 3, 10, and 17 seemingly because they descend from rejected claims; claim 10 also was rejected because it lacked proper antecedent basis. Claim 10 has been amended to descend from claim 9, providing proper antecedent basis. Claims 3, 10, and 17

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Amendment A

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should now be in condition for allowance, since the claims from which they depend have been amended to address the Examiner's rejections.

Finally, the Examiner has rejected claim 19 because it lacked proper antecedent basis in claim 15. Claim 19 has been amended to depend from claim 18, which provides proper antecedent basis. The Examiner's rejection of claim 20 appears to be based on the descent of claim 20 from a rejected claim (claim 19). Claim 20 therefore should now be in condition for allowance, since the claim from which it depends has been amended to address the Examiner's rejection.

Applicant believes that these amendments render claims 1-21 in condition for allowance, and that no fee is due in connection with the present amendment. If, however, there is a fee due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,
WELSH & KATZ, LTD.

By

Mitchell J. Weinstein
Reg. No. 37,963

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WELSH & KATZ, LTD.

120 South Riverside Plaza, 22nd Floor
Chicago, Illinois 60606
(312) 655-1500 Telephone
(312) 655-1501 Facsimile

